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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/764,164	01/16/2001	Carl Wong	024938-123	7612

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EXAMINER

ELAMIN, ABDELMONIEM I

ART UNIT PAPER NUMBER

2116

DATE MAILED: 07/29/2004

12

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/764,164

Applicant(s)

WONG, CARL

Examiner

A Elamin

Art Unit

2116

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-7, 9-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Petty, US. Pat. No. 5,784,633 in view of Petty US. Pat. No. 6,389,486 (*hereinafter Petty '486*).

3. Claims 1, 7, 9-11, 19, 23, 26, 28, 31 and 34, Petty teaches a multi-function interface for interfacing a modem with a host [*title, abstract*], the multi-function interface including a plurality of logical devices [*connectors 42 of Fig. 4, col. 8, lines 49-52*] associated with the modem such that the plurality of logical devices provide connectivity between the modem and the host, wherein the plurality of logical devices includes a first logical device for providing both IP-based and non-IP-based communication capabilities between the modem and the host [*abstract, col. 4, line 19 thru col. 5, line 3*] and the plurality of logical devices includes a second logical device [*abstract, status path of Fig. 4*] to provide real time status information of the modem to the host during operations [*abstract*].

Petty fails to teach a wireless modem.

Petty '486 teaches a method for transferring wireless modem status information to a host device [*title, abstract*].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Petty to include a wireless modem, because it eliminates the need for cables

4. Claims 2-3 and 14-18, 22, Petty teaches the first logical device is a communication port and the second logical device is a status port [*Fig. 4*].

5. Claim 4, Petty teaches the status port provides the real-time status information as the communication device is on-line [*abstract*].

6. Claims 5 and 27, Petty teaches wireless modem is a PCMCIA card [*Fig. 4*].

7. Claims 6, 20-21, 32 and 33, Petty fails to teach using FPGA. However, FPGA are well known in the art.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teaching of Petty to include FPGA, because FPGAs having advantages including quick design and modification turn-around and reconfigurability.

8. Claims 12-13, 24-25, 29-30, 38-42, Petty fails to teach the status information includes signal strength, the temperature, connection status, operational condition of the communication device.

However, these features are well known in the art as admitted by Applicant [*see the specification of the instant application, pages 2-3*].

9. Claims 35-37, Petty teaches the status information is provided to the host while communicating with the NIC, while the NIC receiving data from a remote device or while there

is no network connection between the NIC and the remote device [*abstract, col. 4, line 19 thru col. 5, line 3*].

Response to Arguments

10. Applicant's arguments with respect to claims I-7, 9-42 have been considered but are moot in view of the new grounds) of rejection.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to A Elamin whose telephone number is (703)305-3804. The examiner can normally be reached on MON-FRI 9:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne Browne can be reached on (703) 308-1159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

July 26, 2004


A. ELAMIN
PRIMARY EXAMINER

A Elamin
Primary Examiner
Art Unit 2116